

#3



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

I, [REDACTED] as below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A METHOD OF SYNCHRONISING THE REPLAY OF AUDIO DATA IN A NETWORK OF COMPUTERS**

the specification of which: (check one)

is attached hereto.

was filed on 02/09/2001  
under Attorney's Docket Number 722-X00-004  
as Application Serial No. 09/780,036  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

I hereby claim the benefit of foreign priority under 35 USC 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application the priority of which is claimed:

Prior Foreign Application(s):	Priority Claimed			
Number	Country	Filing Date	Yes	No
0003054.4	GREAT BRITAIN	02/11/2000	X	

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below

Application Number                      Filing Date

I hereby claim the benefit of United States priority under 35 USC 120 of any United States application(s) or 365(c) of any PCT international applications designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application or PCT Parent    (Filing Date)                      Parent Patent Number  
Number

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Martin Fleit	Reg. No. 16,900
Robert C. Kain	Reg. No. 30,648
Jon A. Gibbons	Reg. No. 37,333
Stephen C. Bongini	Reg. No. 40,917
Jose Gutman	Reg. No. 35,171

Send correspondence to MARTIN FLEIT, Fleit, Kain, Gibbons, Gutman & Bongini, P.L., 520 Brickell Key Drive, Miami, Florida 33131, and direct all telephone calls to MARTIN FLEIT at (305) 536-9020.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR: RON KALIAN

INVENTOR'S SIGNATURE: *Oliver C. Shewy* on behalf of Ron Kalian                      DATE: July 6th 2001

RESIDENCE: RUISLIP, MIDDLESEX, ENGLAND

CITIZENSHIP: GB

POST OFFICE ADDRESS: 96 GREYSTOKE DRIVE, RUISLIP, MIDDLESEX,  
HA4 7YW, ENGLAND

FULL NAME OF INVENTOR: ALAN COOPER SHARP

INVENTOR'S SIGNATURE: Alan C Sharp DATE: June 7 2001

RESIDENCE: ST ALBANS, HERTS, ENGLAND

CITIZENSHIP: GB

POST OFFICE ADDRESS: 32 SPENCER STREET, ST ALBANS, HERTS,  
AL3 5EG, ENGLAND



#3

## STATUTORY DECLARATION

I, Alan Cooper Sharp of QED IP Services Limited, Dawley Road, Hayes, Middlesex UB3 1HH, UK, do solemnly and sincerely declare as follows:-

1. I am a European Patent Attorney, acting on behalf of Purple Voice Limited for all their patents and patent applications including US Patent Application Serial Number 09/780,036, the inventors of which are Ron Kalian and myself.
2. The evidence given herein is known to me from my own personal knowledge.
3. At the time of the invention disclosed in US Patent Application Serial Number 09/780,036, Ron Kalian was employed in the UK by Purple Voice Limited, and as the invention was made in pursuance of his normal duties it belonged to Purple Voice Limited by virtue of Section 39 1 (a) of the UK Patents Act 1977. I wrote to Ron Kalian at 96 Greystoke Drive, Ruislip, Middlesex HA4 7YW on December 8<sup>th</sup> 2000, requesting he sign an assignment, oath and declaration and PCT forms for the application which was to become US Patent Application Serial Number 09/780,036. He replied by letter, refusing to sign the papers.
4. On April 12<sup>th</sup> 2001 I again wrote to Ron Kalian at the above address, including a copy of the US Patent Application and an assignment, oath and declaration, requesting him to sign. This letter was sent to him using Royal Mail Special Delivery ref. no. SH 2942 8198 8GB, which was delivered to 96 Greystoke Drive, Ruislip, Middlesex HA4 7YW on April 13<sup>th</sup> 2001. We have not received any reply, and believe Ron Kalian refuses to sign any papers associated with US Patent Application 09/780,036!

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

A handwritten signature in cursive script that appears to read "Alan C Sharp".

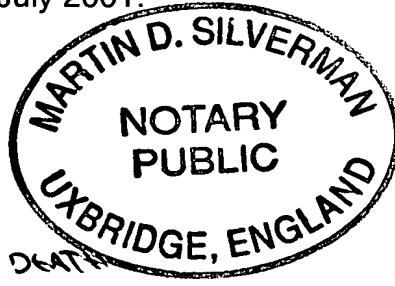
Declared at: Uxbridge England

this 6<sup>th</sup> day of July 2001.

Before me:

A handwritten signature in cursive script that appears to read "M. D. Silverman".

my commission expires AT DEATH



A faint, partially visible circular stamp in the bottom right corner.



PATENT Attorney Docket: 722-X01-004  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: RON KALIAN ET AL.

Serial No.: 09/780,036

Group Art Unit: 2661

Filed: February 9, 2001

Examiner:

Title: A METHOD OF SYNCHRONIZING THE REPLAY OF AUDIO DATA IN A NETWORK OF COMPUTERS

**PETITION UNDER 37 C.F.R. 1.47(a)**

**ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D. C. 20231**

SIR:

Applicants hereby respectfully petition under the provisions of 37 C.F.R. 1.47(a) that the filing of this application for patent be accepted on the grounds that one joint inventor is filing on behalf of himself and a second joint inventor who has refused to sign the declaration or to join in this application for patent.

By an attached Statutory Declaration, joint inventor Alan C. Sharp submits evidence that the other joint inventor Ron Kalian was requested to sign a declaration and refused a specific request to do so. Further, the Statutory Declaration provides evidence that Mr. Sharp wrote to Mr. Kalian at his last known address, namely, 96, Greystoke Drive, Ruislip, Middlesex, HA4 7YW, and submitted a declaration together with a copy of the above-entitled application requesting Mr. Kalian to execute the declaration. This was done using Royal Mail Special Delivery, with proof of delivery.

To date, Mr. Kalian has not responded to the last request to sign. Mr. Sharp continues to try and obtain Mr. Kalian's execution of the declaration, desires that Mr. Kalian join in this application, and would gladly welcome his joining in at any time. However, it is submitted that Mr. Kalian's refusal to join in

Serial No.: 09/780,036

Filed: February 9, 2001

Title: A METHOD OF SYNCHRONIZING THE REPLAY OF AUDIO DATA IN A NETWORK OF COMPUTERS

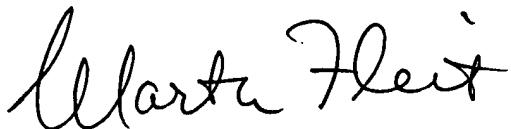
Group Art Unit: 2661

Examiner:

this application for patent should not prejudice Mr. Sharp's rights to proceed with this application for patent, particularly as regards the priority rights for this application for patent.

Accordingly, it is respectfully solicited that this petition be granted and that this application for patent be accepted as filed on February 9, 2001 and allowed to proceed in normal course.

Respectfully submitted,



Martin Fleit, Reg. #16,900

Martin Fleit  
FLEIT KAIN GIBBONS GUTMAN & BONGINI  
520 Brickell Key Drive #A201  
Miami, Florida 33131  
Tel: 305-536-9020; Fax: 305-536-9022  
e-mail: MFleit@FleitKain.com